1948. File No. Refugees II/48

Legal DEPARTMENT
A BRANCH

Subject:— Rules and notifications under the Bombay Refugees Act, 1948

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C O N T E N T S.

Legal Department File No. Refugees II/48

Sr.No.	R.I./) O.No.	Subject.	Pages.
		Rules & Notifns. under the Bombay Refugees Act, 1947.	
(1)	4269 5/5/48	Sec. 14 ---Order under. 1	1-3
(2)	5772 21/6/48	Sec. 15 ----Notifn. & Rules under	5-13
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(4)	7215 31/7/48.	Sec. 4 Whether each member of the family must fill in the application form under --------	19

B.S.S. 18/5/ Sc.

Subject to the observations below, a revised draft notification is sent herewith.

2. Section 14 of the Bombay Refugees Act, 1948 provides that any power conferred etc. shall in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by such officer, not being in the opinion of the Provincial Government below the rank of a Collector, as may be so specified. The officers mentioned in the draft notification are the Commissioner of Police for Greater Bombay and the District Magistrates. It is however necessary to state in the notification that the Commissioner of Police, Bombay, is an officer not below the rank of a Collector. To be consistent with the provisions of the said section 14 it is also necessary to delegate the powers in the mofussil to the Collectors and not to the District Magistrates.

3. The draft notification at p. 295 provides that the powers under sections 7 and 8 are to be exercised by the officers within their respective jurisdictions. Under section 7 of the Act a refugee can be ordered in writing to leave any camp or place or area and go to and reside in any other camp or place or area in the Province of Bombay. If the powers of the officers are restricted to the area of their respective jurisdiction,

it may not be possible for such officers to order a refugee to go to and reside in camp or place or area beyond his jurisdiction. (It was so held recently by the Bombay High Court in a case under the Bombay Public Security Measures Act, 1947). It is, therefore, necessary to provide that the powers under sections 7 and 8 shall be exercisable ~~thatxthxxpxxxxxxxxxxxx~~ throughout the Province of Bombay.

4. If the Government desires that a District Magistrate should not pass an order requiring a refugee to go to and reside in any camp or place or area beyond his jurisdiction, without the previous concurrence of the Provincial Government such a condition can be embodied in a notification to be issued under section 14 of the Act as delegation can be made subject to conditions to be specified in the notification. Whether this is feasible in practice is for the administrative Department to consider.

Sd/-P.M.L.
1/5
Remembrancer of Legal Affairs.

U.O. to P. and S.D., No. 4269 , dated the 3rd May 1948.

B.K.S. 18/5/ 4c.

ORDER.

Political and Services Department,

Bombay Castle, May 1948.

Bombay Refugees Act, 1948.

No. W.653-IX.- In exercise of the powers conferred by section 14 of the Bombay Refugees Act, 1948 (Bom. XXII of 1948), the Government of Bombay is pleased to direct that the powers conferred on the Provincial Government by sections 7 and 8 of the said Act, shall also be exercised by the Commissioner of Police for Greater Bombay who, in the opinion of the Provincial Government is an officer not below the rank of a Collector, and by the Collectors within the Province of Bombay, subject to the condition that no order requiring a refugee to leave any camp or place or area within the jurisdiction of the Office and to go to and reside in any camp or place or area beyond his jurisdiction shall be made except with the previous concurrence of the Provincial Government.

By order of the Governor of Bombay

Chief Secretary to Government.

B.K.B. 18/5/ 4c.

In place of the draft at pages 17 to 25 ante, revised draft of the rules is sent herewith.

2. In the P. and S.D. draft the expressions used in many places are "registration Officer" or "officer in charge of a registration centre". These have been replaced by the expression "registering authority.

3. P. and S.D. draft rule ¥ 2. - The registration centres are to be established by a general or special order by the authorities specified in section 3 of the Act. They cannot form part of the rules to be made under the Act. Separate orders under section 3 should therefore be issued for the purpose. The draft rule has been deleted.

4. Revised draft rule 6/P. and S.D. draft rule 6.- When there is a change of address and the new address is within the jurisdiction of a registering authority other than the registering authority with whom a refugee was registered, section 6(1) requires that intimation of the change of address should be sent to both the registering authorities and that the certificate of registration should also be forwarded to the registering authority within whose jurisdiction the new address is situated. As provided in the P. and S.D. draft it will not be possible for this registering authority to m take a note of change of address in the register maintained in Form A. Presumably the intention is that this registering authority also should maintain a register. Thus it can do with the help of the certificate of registration produced before it. But such register will be simple and contain only the information given in the certificate of registration. The revised draft rule provides for maintenance of such register and P. and S.D. may devise a suitable form 'B' in which the register should be maintained. If

a separate register is maintained as suggested above it will also be possible to take a note of change of address under P. and S.D. draft rule 7 or revised draft rule 8(2).

5. Revised draft rules 9 and 10.- P. and S.D. draft rule 8 has been split up into these two rules.

6. Form A.- The only source to fill up the register would be the form of registration filled up by the refugee. The P. and S.D. form of register contains some columns which it would not be possible to fill up e.g. educational or other qualifications, whether the refugee and his dependents are employed or not. The P. and S.D. may therefore cut down the columns which it would not be possible to fill up and may rearrage the columns according to the order in which the entries in the registration form occur in order to facilitate the work of making necessary entries under these columns.

7. Form B will have to be devised by P. and S.D. as already suggested above.

Sd/-
19/6
Additional Secretary to Government.

U.R. to P. and S.D., No. 5772 , dated the 21st June 1948.

B.K.S. 18/5/ 4c.

NOTIFICATION.

Political and Services Department,

Bombay Castle, 1948.

Bombay Refugees Act, 1948.

No. .- In exercise of the powers conferred by section 15 of the Bombay Refugees Act, 1948 (Bom. XXII of 1948), the Government of Bombay is pleased to make the following rules, namely :-

1. Short title.- These rules may be called the Bombay Refugees Rules, 1948.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context, --

(a) "Act" means the Bombay Refugees Act, 1948;

(b) "Form" means a form appended to these rules.

3. Supply of registration forms.- Copies of the form of registration shall be available at each registration centre and the registering authority or the person for the time being in charge of the registration centre shall supply a copy of it to every refugee free of charge on demand.

4. Form of register.- Every registering authority shall maintain a register of refugees in Form 'A'.

5. Issue of certificate of registration. On receipt of a form of registration duly filled in from a refugee or a person responsible for registration of a refugee, the registering authority shall enter or cause to be entered all the details in the register. If the registering

authority finds that the form of registration is incomplete in any respect, it shall get the required details filled in by the person concerned and enter or cause to be entered the same in the register. The registering authority shall then issue a certificate of registration to the applicant, every member of his family or the person on whose behalf the application was made, as the case may be. In every case the certificate of registration shall be issued ~~k~~ not later than 3 days from the date of the receipt of the form of registration by the registering authority.

6. Noth of change of address.- On receipt of an intimation of change of address of any refugee, —

(a) the registering authority by which the certificate of registration was issued to him shall take a note of the change of address in the register maintained by it in Form 'A'; and

(b) if the new address is within the jurisdiction of another registering authority, such registering authority shall enter the details available from the certificate of registration in the register maintained by it in Form 'B' and enter the new address in the certificate of registration.

7. Manner of service of orders on refugees.- Every order ~~p~~ made under section 7 or 9 of the Act shall be served in the following manner, namely :-

(a) The order shall be served on the addressee by delivering or tendering to him a copy of it duly signed by the officer or authority issuing the same and he shall be asked to sign an acknowledgment in token of the receipt of the same.

(b) Where the person refuses to sign

an acknowledgement or where the serving officer, after using all due and reasonable diligence, cannot find the person, the order may be served by leaving an authentic copy of it with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain and by proclaiming the substance of the order by beat of ~~drmxx~~ drum in the locality in which such premises are situated.

(c) Where the service is effected under clause (b) the serving officer shall report to the officer or authority making the order all the circumstances under which and the manner in which the service was effected, giving the name and address of the person by whom the premises were identified and in whose presence the copy was affixed.

8. Copy of Order to refugees to reside in or remove themselves from particular areas etc. to be sent to the registering authorities

(1) Where the Provincial Government or an officer authorised by it in this behalf makes an order under section 7, a copy of such order shall be sent by Government or such officer, as the case may be, to the registering authority within whose jurisdiction the refugee or class of refugees resided and if the refugee or class of refugees are directed to go and reside within the jurisdiction of another registering authority a copy to that other registering authority also.

(2) On receipt of a copy of the order the first named registering authority

shall take a note of it in the register maintained by it in Form A 'A' and the second named registering authority shall take a note of it in the register maintained by it in Form B.

9. Facilities for vaccination and inoculation of refugees. (1) At each camp, facilities shall be provided by the authorities in charge of the camp for free ~~ex~~ vaccination against small-pox and inoculation against plague, cholera and typhoid.

(2) In respect of areas which are not camps, facilities for vaccination and inoculation shall be provided in municipal areas by the municipality concerned and in the district local board area by the district local board.

(3) Every registering authority shall bring to the notice of the refugees registering themselves at its centre the facilities provided for vaccination and inoculation of the refugees.

(4) The vaccinator or inoculator, shall issue a certificate under his signature to every refugee whom he has vaccinated or revaccinated against small-pox orinoculated against plague, cholera or typhoid, that the refugee has been so vaccinated, revaccinated or inoculated, as the case may be, on the date specified in the certificate. The certificate shall be preserved by the refugee and produced for inspection when so required by any officer authorised by the Provincial Government in this behalf.

10. Intimation of arrival of refugees to local authorities.- Every registering authority for any area which is not a camp shall from time to time notify

in the case of a municipal area to the Medical Officer of Health, Chief Officer or Secretary of the Municipality concerned and in the case of other area to the President of the District Local Board and the District Health Officer of the District or the Assistant Director of Public Health of the Division, the arrival of the refugees with details of their names and addresses.

11. Submission of reports. (1) Every registering Authority shall submit every fortnight to the Commissioner of Police or the District Magistrate, as the case may be, within whose jurisdiction the registration centre is situated, a statement in Form 'C'.

(2) The Commissioner of Police and every District Magistrate on receipt of the statements under sub-rule (1), shall submit a consolidated statement in Form D for every fortnight to the Provincial Government.

FORM 'A'

Form of Register.

(See rule 4).

Serial No.	Name of the refugee in full (with surname first).	Age.	Prior to migration.		Extent of Property.	
			Address.	Occupation, profession or Trade.	Moveable.	Immoveable.
1.	2.	3.	4.		5.	

Details of identity documents or migration papers.	Arrival in the Province of Bombay. Date. Place.	Present address.	Details of assistance received.
6.	7.	8.	9.

Permanent Settlement. If in Bombay Province, how long.	Permanent Settlement. If outside the Province, where.	Employment. If employed where.	Employment. If unemployed, what type of employment desired.	Educational or other qualification.
10.		11.		12.

Earnings etc. per month. His earnings.	Earnings etc. per month. Total earnings.	Precaution against epidemics. Whether vaccinated?	Precaution against epidemics. Whether inoculated.	Date of certificate of registration	REMARKS.
13.		14.		15.	16.

Name:	Age:	Relationship:	Occupation:	Employed or not.:	Whether vaccinated.:	Whether inoculated.:

Date of issue of registration certificate.	Remarks

FORM 'B'.

Form of Register for other registering authority.

(See rule 6).

To be filled in by P. & O.D.

FORM 'C'.

Form of Report.
(See rule 11).

Statement for the fortnight beginning with 194

ending with 194 .

Outside Camp.		Previous No.	Arrivals.	Departures	Present No.	Remarks.
	Sindhis					
	Sikhs					
	Punjabis					
	others					
	Total					

In Camp		Previous No.	Arrivals.	Departures	Present No.	Remarks.
	Sindhis:					
	Sikhs :					
	Punjabis :					
	Others:					
	Total.					

By order of the Governor of Bombay,

Chief Secretary to Government.

B.K.S. 18/5/ 4c.

Legal Department.

A revised draft notification is sent herewith.

sd/-
2/7
Additional Secretary to Government.

U.O. N. & L.G.D. No. 6234 dated 3rd July 1948.

B.K. 18/5/ 4c.

NOTIFICATION.

Health & Local Government Department,
Bombay Castle, July 1948.

Bombay Refugees Act, 1948.

No. .- In exercise of the powers conferred by sub-section (1) of section 9 of the Bombay Refugees Act, 1948 (Bom. XXII of 1948), the Government of Bombay is pleased to authorise the officers specified in column 1 of the schedule hereto annexed for the purpose of the said sub-section within the area respectively specified against them in column 2 of the said schedule.

Schedule.

1.	2.
The Executive Health Officer, Bombay Municipality.	City of Bombay
The Assistant Health Officer, Bombay Municipality.	
The Commissioner of Police, Bombay.	Greater Bombay
The District Magistrates.	within their respective jurisdictions.
The Assistant Directors of Public Health.	
The District Health Officers.	
Medical Officers of Municipalities or where there are no Medical Officers, Chief Officers or Secretaries of Municipalities.	within the municipal area concerned.
The Officers in charge of Refugee Camps.	within the camp concerned.
The Medical Officers of Refugee Camps.	

By order of the Governor of Bombay,

Secretary to Government.

B.R.V. 18/5/ 46.

Legal Department.

The view taken by the Relief & Rehabilitation Department in para.2 of the D.O. letter to the Collector of Ahmedabad that each member of the family must fill in the application form under section 4 of the Bombay Refugees Act, 1948 (Bom. XXII of 1948), is not correct. In view of the provisions of sub-section (2) of section 4 it is open to the head of the family to fill up the forms on behalf of the members of his family, but separate form will have to be submitted for each member of the family.

2. The view taken in para.4 of the letter is correct.

Sd/-
30/7
Additional Secretary to Government.

U.R. to R.& R.D., No. 7215 , dated the 31st July 1948.

B.R.-. 18/5/ 40.